



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 13, 2007

By Facsimile

The Honorable Loretta A. Preska
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1320
New York, New York 10007

Re: United States v. Calvin Swen
07 Cr. 462 (LAP)

Dear Judge Preska:

A pre-trial conference in this case is scheduled for Wednesday, August 15, 2007, at 4:00 p.m. The Government has produced a Pimentel letter to counsel for the defendant, and the parties expect to reach a disposition over the course of the next two weeks. The parties jointly request that the conference scheduled for August 15, 2007, be adjourned to a date in early September. At that conference, the parties expect to either have reached a disposition, or be ready to set a date for trial.

If the Court grants this request, then the Government respectfully requests that the Court exclude time from August 15, 2007, until the date of the next conference, pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(8)(A). The ends of justice served by such continuance outweigh the interest of the public and the defendant in a speedy trial because the continuance will allow the defendant time to have any appropriate discussions regarding a possible disposition

The August 15 conference is adjourned to September 18, 2007 at 4:00 p.m. Time is excluded through that date from calculation under the Speedy Trial Act in the interest of justice to permit plea discussions to continue. So ordered. Loretta A. Preska USDC

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of this case. Counsel for defendant consents to this request for the exclusion of time.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

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cc: Peter Antioco, Esq.
Attorney for Defendant
(by facsimile)